

PD-0395-20

NICOLE P. SELECTMAN	§	IN THE COURT OF
	§	COURT OF CRIMINAL APPEALS
	§	10/1/2021
	§	DEANA WILLIAMSON, CLERK
VS.	§	CRIMINAL APPALS
	§	
STATE OF TEXAS	§	OF TEXAS

MOTION TO EXTEND THE TIME TO FILE APPELLANT'S
MOTION FOR REHEARING

TO THE HONORABLE TEXAS COURT OF CRIMINAL APPEALS:

NOW COMES, appellant, NICOLE P. SELECTMAN, who, by and through the undersigned counsel of record, and pursuant to T.R.A.P. 10.5(b) & 79.6, does hereby respectfully move for an extension of fifteen [15] days to Friday, October 15, 2021, to file appellant's motion for rehearing, and in support thereof would show this Honorable Court the following:

I. Procedural History.

A jury convicted appellant of aggravated assault on July 14, 2018. Appellant was sentenced to ten [10] years' prison and no fine the next day. The court of appeals affirmed this judgment on March 25, 2020. This Court graciously granted discretionary review on November 25, 2020. All briefs were filed by March 16, 2021 and the case submitted for formal decision on June 2, 2021. Later, in an opinion issued on September 15, 2021, this Court dismissed appellant's petition as improvidently granted.

II. Reason for Delay.

Counsel mailed appellant a copy of this Court's opinion on September 17, 2021. The primary reason for delay in filing appellant's motion for rehearing is that counsel is still awaiting a response from appellant as to whether she wants to seek rehearing, or not. If she does not, no rehearing will be pursued. If she does, counsel will file the appropriate motion by October 15, 2021. In the interim, counsel will use due diligence to confer with appellant by phone or mail.

III. Prayer.

WHEREFORE, PREMISES CONSIDERED, appellant respectfully requests an extension of fifteen [15] days, to Friday, October 15, 2021, to file appellant's motion for rehearing.

Respectfully submitted,

Dean A. Diachin

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LEAD COUNSEL FOR APPELLANT.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing motion for extension to file appellant's motion for rehearing" has been electronically served upon: (1) the Bexar County District Attorney's Office, Appellate Division, 101 W. Nueva St., Suite 710, San Antonio, Texas 78205, and (2) the State Prosecuting Attorney's Office, 209 W. 14th Street, Austin, TX on September 30, 2021.

Dean A. Diachin

Dean A. Diachin
Bexar County Assistant Public Defender.

Automated Certificate of eService

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Dean Diachin on behalf of Dean Diachin
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Status as of 10/1/2021 8:27 AM CST

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